

PLANNING COMMISSION MINUTES

August 20, 2003

CALL TO ORDER:

Chairman Bob Barnard called the meeting to order at 7:02 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Bob Barnard, Planning Commissioners Gary Bliss, Eric Johansen, Dan Maks, Vlad Voytilla, and Scott Winter. Planning Commissioner Shannon Pogue was excused.

Associate Planner Scott Whyte, Senior Planner John Osterberg, Senior Transportation Planner Don Gustafson, Assistant City Attorney Ted Naemura, and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Barnard, who presented the format for the meeting.

VISITORS:

Chairman Barnard asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Associate Planner Scott Whyte mentioned a Memorandum from Associate Planner Tyler Ryerson, dated August 20, 2001, with regard to the applicant's request for a continuance of ZMA 2003-0007 – Beaver Court Subdivision Zoning Map Amendment, LD 2003-0016, -- Beaver Court Subdivision Land Division, and TP 2003-0011 – Beaver Court Subdivision Tree Plan, until September 3, 2003.

1 **NEW BUSINESS:**

2
3 **PUBLIC HEARINGS:**

4
5 **I. BEAVER COURT SUBDIVISION**

6 **A. ZMA 2003-0007 – ZONE CHANGE**

7 **B. LD 2003-0016 – SUBDIVISION**

8 **C. TP 2003-0011 – TREE PLAN**

9 The applicant requests a Zoning Map Amendment to change the
10 proposed affected property from the current R-7 (Urban
11 Standard Density) zoning designation to R-4 (Urban Medium
12 Density) zoning designation. The site has a Comprehensive
13 Plan Designation of “Corridor”, and the zoning map amendment
14 proposal is consistent with the Comprehensive Plan and Zoning
15 District Matrix for the Corridor designation. In addition, the
16 applicant requests approval of an eight lot subdivision which
17 includes the extension of SW Barlow Road to SW Hall
18 Boulevard, an infill cul-de-sac, and a public storm water
19 management facility. A Tree Plan Two application is proposed
20 for the removal of site community trees.

21
22 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a
23 motion to approve the applicant’s request to **CONTINUE** ZMA 2003-
24 0007 – Beaver Court Subdivision Zoning Map Amendment, LD 2003-
25 0016 – Beaver Court Subdivision Land Division, and TP 2003-0011 –
26 Beaver Court Subdivision Tree Plan, until a date certain of September
27 3, 2003.

28
29 Motion **CARRIED**, unanimously.

30
31 **OLD BUSINESS:**

32
33 **CONTINUANCES:**

34
35 **I. CSM PROPERTY DEVELOPMENT PLAN**

36 (continued from August 6, 2003)

37 **A. CPA 2003-0004 – COMPREHENSIVE PLAN AMENDMENT**

38 Application for Comprehensive Plan Map Amendment (CPA) the
39 applicant requests removal of the “proposed street” designation for
40 NW Cambray Street where shown to connect with NW 185th
41 Avenue on Figure 6.7, the Functional Classification Plan, found in
42 the Transportation Element of the Comprehensive Plan.
43

1 Chairman Barnard opened the Public Hearing and read the format for
2 Public Hearings. There were no disqualifications of the Planning Com-
3 mission members. He asked if there were any ex parte contact, conflict
4 of interest or disqualifications in any of the hearings on the agenda.
5 There was no response.

6
7 Commissioner Bliss declared that he had been involved with this
8 specific property through three different engineering firms and the
9 applicant's attorney, Jack Orchard, over a period of 15 years.
10 Observing that he has personally been involved in the preparation of
11 three separate development plans, two with Washington County and
12 one with the City of Beaverton, he pointed out that all had been
13 approved but not constructed due to certain circumstances. Noting
14 that he is very familiar with the site, he mentioned that while he is
15 also a previous employee and still does consulting work with the
16 applicant's engineer, *Alpha Engineering*, he has no connection with
17 this particular property at this time, and mentioned that while the
18 applicant, Fred Gast of *Polygon Northwest* is a former client.
19 Concluding, he stated that he is able to participate in making a fair
20 and unbiased decision with regard to this application.

21
22 Commissioner Voytilla noted that although he is an employee of the
23 Beaverton School District and was present at the Five Oaks/Triple
24 Creek NAC Meeting involving another application at which this
25 application had been presented, he did not pay a great deal of attention
26 to this issue and did not receive any information that he has not
27 received through this application process. He pointed out that he feels
28 that he is able to participate in making a fair and unbiased decision
29 with regard to this application.

30
31 Commissioners Johansen and Voytilla indicated that they had visited
32 the site and had no contact with any individual(s) with regard to this
33 proposal.

34
35 No one in the audience challenged the right of any Commissioner to
36 hear any of the agenda items, to participate in the hearing or
37 requested that the hearing be postponed to a later date.

38
39 Associate Planner Scott Whyte introduced himself and Senior
40 Transportation Planner Don Gustafson and presented the Staff Report.
41 He provided a brief overview of the materials that had been provided
42 by the applicant with regard to this proposal, and also presented two
43 Memorandums, one dated August 13, 2002, containing a letter from
44 the Oregon Department of Land Conservation and Development

1 (DLCD), and the letter from *Kittelson & Associates*, dated August 11,
2 2003, providing the applicant's response to the DLCD letter. He noted
3 that a second Memorandum from Mr. Gustafson, dated August 20,
4 2003, includes comments with regard to letter from the DLCD and the
5 applicant's response to this letter. Referring to Exhibit No. 2.5 of the
6 Staff Report, he mentioned two circled areas, one depicting the
7 proposed Neighborhood Route to be removed from that portion of NW
8 Cambray Street west of NW 183rd Avenue and east of SW 185th
9 Avenue, and the other providing for the reclassification of that portion
10 of NW Cambray Street from NW 180th Avenue to NW 183rd Avenue to
11 a local street.

12
13 Mr. Whyte clarified that staff has received several calls from concerned
14 neighbors with regard to an alternate development plan, emphasizing
15 that there is only one development proposal before the Planning
16 Commission at this time. He explained that there is a hypothetical
17 plan provided as an attachment to the Staff Report, specifically Exhibit
18 3.3, adding that it is also contained in Volume 2 of the applicant's
19 materials. Emphasizing that the CPA application stands on its own
20 merit and is not dependent upon any specific development application,
21 he pointed out that both *Tri-Met* and *Metro* have submitted letters
22 responding to the CPA proposal and expressing their concerns.

23
24 Referring to his Memorandum responding to the letter submitted by
25 DLCD, Senior Transportation Planner Don Gustafson expressed his
26 opinion that the City's findings are consistent with Statewide Planning
27 Goals and appropriate City approval criteria and that the DLCD had
28 made assumptions that were not consistent with the process and in-
29 tent of this CPA, reiterating that the CPA application stands on its
30 own merit without the assumption that any specific development
31 application would be approved to add any anticipated traffic. He
32 pointed out that it is not the function of a neighborhood route to relieve
33 arterials and collectors by carrying through traffic, noting that this is
34 implied in the letter submitted by DLCD. He explained that the
35 Regional Transportation Plan consists of freeways, arterials and
36 collectors, emphasizing that neighborhood routes and local streets feed
37 into but are not included in that system. He pointed out that
38 neighborhood routes and local streets are intended to provide access
39 into and out of neighborhoods, rather than through neighborhoods.
40 Referring to new information provided by the City of Hillsboro that
41 had not been available to *Kittelson & Associates* and DLCD, he noted
42 out that the intersection of NW 185th Avenue and NW Walker Road
43 currently functions and would continue to function at a Level of
44 Service "D" with the recommended mitigation. He mentioned that this

1 intersection is located within the City of Hillsboro and controlled by
2 Washington County, adding that the City of Beaverton is the east
3 right-of-way line of NW 185th Avenue. Concluding, he emphasized that
4 the CPA stands on its own merit, does not add traffic to the Regional
5 Transportation Plan, and therefore does not reduce the performance of
6 that system, and offered to respond to questions.

7
8 Commissioner Johansen requested clarification with regard to the
9 alignment and what the Comprehensive Plan does and does not say,
10 and specifically whether the Comprehensive Plan indicates where that
11 alignment should be as opposed to simply indicating that some
12 connection should exist between the stub of NW Cambray Street and
13 185th Avenue.

14
15 Mr. Gustafson advised Commissioner Johansen that the previous
16 Comprehensive Plan provided this direct connection, adding that this
17 is indicated on the map with a dash line and that DLCD had not had
18 an opportunity to respond to his Memorandum dated August 20, 2003.

19
20 Observing that the City of Hillsboro forecast at the Level of Service "D"
21 and 2020 assumes that certain improvements would be made to that
22 intersection, Commissioner Johansen questioned whether funding is
23 available for these improvements.

24
25 Mr. Gustafson informed Commissioner Johansen that while he is not
26 certain, he does not believe that these improvements have been funded
27 and that while the City of Hillsboro is currently in the process of
28 finalizing their Transportation System Plan.

29
30 Observing that the Memorandum states that proposed Comprehensive
31 Plan Amendment remains consistent with the City's Transportation
32 related quality of life goals, Commissioner Johansen requested that
33 Mr. Gustafson comment with respect to impacts on NW Heritage
34 Parkway and NW 180th Avenue in the event that this anticipated
35 connection is not made.

36
37 Mr. Gustafson commented that the Traffic Analysis had analyzed that
38 impact and determined that those routes have sufficient capacity to
39 handle the anticipated traffic.

40
41 Commissioner Johansen questioned whether Mr. Gustafson's opinion
42 is that this would result in additional traffic on those streets if the
43 connection is not made.

44

1 Expressing his opinion that this would not occur, Mr. Gustafson
2 pointed out that the majority of the development, with the exception of
3 this specific site and those in the north, are there at the present time,
4 noting that there is a neighborhood route connection being utilized at
5 this time at NW Heritage Parkway on up to NW Walker Road.

6
7 Commissioner Johansen expressed his opinion that there had been a
8 fairly strong conclusion the quality of life issue had been addressed by
9 providing the bicycle and pedestrian connections, adding that the
10 removal of this connection would create impacts to several other local
11 streets. He discussed the street spacing standards and noted that staff
12 has concluded that the wetland provides a natural constraint to
13 making the connection identified in the Comprehensive Plan, adding
14 that the existence of the wetlands appears to have precluded a
15 connection in this area.

16
17 Mr. Gustafson described the wetlands as a restraint, adding that
18 because the result could potentially add more traffic to that
19 neighborhood route staff attempts to consider all issues involved prior
20 to making a decision.

21
22 Commissioner Johansen requested clarification from staff with regard
23 to what has changed in the past three months with regard to the
24 potential removal of this connection, specifically whether new trans-
25 portation facilities are proposed or there is an estimated reduction in
26 trips or any new factors to consider that did not exist in the past.

27
28 Mr. Gustafson explained that there had been a compromise with the
29 neighbors that there would still be a connection, adding that the
30 connectivity plan involves the entire City of Beaverton and includes
31 numerous recommended, rather than required, recommendations. He
32 pointed out that staff has received additional information with regard
33 to the wetlands and an additional and very extensive traffic analysis,
34 both of which were not available earlier.

35
36 Commissioner Bliss noted that he had brought this issue up in the
37 past, observing that he had pointed out the wetland at that time, and
38 questioned why this process is necessary when it could have been
39 addressed three months ago.

40
41 Mr. Gustafson informed Commissioner Bliss that he had not been in
42 attendance at that meeting three months earlier, adding that it had
43 not been possible to make an appropriate determination until adequate
44 information was received with regard to the wetland.

1 Commissioner Johansen requested verification that the existence of a
2 wetland does not preclude a road connection, adding that mitigation
3 would be required elsewhere.
4

5 Mr. Whyte advised Commissioner Johansen that he is correct,
6 observing that this information is included within the Staff Report.
7

8 Commissioner Bliss referred to pages 11 and 12 of Staff Report with
9 regard to Goal 5, noting that while staff's findings indicate that the
10 proposal meets the goal, a different paragraph indicates that staff
11 disagrees that the connection would cause significant impact based
12 upon information that has been provided.
13

14 Commissioner Maks noted that the last sentence of the same
15 paragraph where staff finds that this goal is also achieved with or
16 without the amendment.
17

18 Mr. Whyte responded that the sentence to which Commissioner Maks
19 is referring is correct, with or without the amendment, this goal is met.
20

21 Commissioner Maks referred to several comments that had been made
22 by Commissioner Johansen, noting that there had been a comment
23 with regard to a Traffic Analysis that had assisted staff in making this
24 recommendation, and questioned whether the Planning Commission
25 had adopted a Transportation System Plan three months earlier based
26 upon an inadequate Traffic Analysis.
27

28 Mr. Gustafson advised Commissioner Maks that the Planning
29 Commission had adopted a Transportation System Plan based upon an
30 inadequate Traffic Analysis three months earlier.
31

32 Referring to the issue of cut-through traffic, Commissioner Maks
33 questioned whether staff would review the Transportation System
34 Plan, find any neighborhood route located between two arterials and
35 install a cement wall in the middle of this route. He pointed out that
36 he is attempting to determine why staff spent so much time addressing
37 and building a case based upon potential cut-through traffic when this
38 potential exists throughout the entire Transportation System Plan and
39 through all of the local neighborhood routes, emphasizing that this
40 issue has been addressed in the past through the development
41 application proposal.
42

43 Mr. Gustafson agreed that this issue has been addressed in the past
44 through the development process.

1 Commissioner Maks questioned whether Mr. Gustafson is indicating
2 that this issue can no longer be addressed through the development
3 review process.

4
5 Mr. Gustafson explained that each application is reviewed on an
6 individual basis involving an individual situation, observing that this
7 situation is unique because NW Walker Road intersects with NW 185th
8 Avenue, creating a development that is located in a triangle. He
9 pointed out that certain circumstances could cause additional cut-
10 through traffic.

11
12 Commissioner Maks explained that cut-through traffic has created a
13 problem due to the lack of connectivity, street connections, and
14 connectors. He pointed out that the DLDC indicates that local street
15 connections also reduce the amount of local traffic on the regional
16 street system, adding that this is not addressed in the letter to DLDC.

17
18 Mr. Gustafson explained that the local street connections are not there
19 to relieve the intersections, but to provide access to get the neighbors
20 in and out of the neighborhoods.

21
22 Commissioner Maks noted that staff appears to have determined that
23 connectivity could not be addressed appropriately through the
24 Development Review Process, emphasizing that appropriate
25 mitigation, such as traffic calming, adequately addresses many issues.

26
27 Mr. Gustafson concurred that many of these issues probably could be
28 addressed through the Development Review Process and appropriate
29 mitigation.

30
31 Commissioner Maks expressed his appreciation to Mr. Gustafson.

32
33 Emphasizing the importance of this Public Hearing and the
34 information involved, Commissioner Voytilla expressed concern with
35 receiving staff's Memorandum only today.

36
37 Mr. Gustafson apologized for not providing the Memorandum at an
38 earlier time.

39
40 Noting that he appreciates Mr. Gustafson's apology, Commissioner
41 Voytilla questioned whether DLCD had received a copy of this
42 Memorandum.

43

1 Mr. Gustafson advised Commissioner Voytilla that DLCD had not re-
2 ceived a copy of this document that had been completed this afternoon.

3
4 Commissioner Voytilla requested clarification with regard to why
5 DLCD had not received a copy of this document and whether Mr.
6 Whyte had discussed the issues with DLCD.

7
8 Mr. Whyte informed Commissioner Voytilla that staff has had
9 discussions with representative of DLCD, observing that these
10 discussions had occurred prior to the letter submitted by DLCD.

11
12 Commissioner Voytilla expressed his opinion that DLCD should have
13 been kept informed with regard to this issue.

14
15 Mr. Whyte stated for the record that staff intends to prepare a
16 response to the DLCD letter, observing that time constraints have
17 prevented staff from preparing this response at this time.

18
19 Commissioner Maks pointed out that it might have been prudent to get
20 a response from DLCD since they have the power to override a City
21 decision with regard to a street vacation.

22
23 Mr. Gustafson explained that many of DLCD's conclusions are based
24 upon the failure of the capacity of the intersection of NW 185th Avenue
25 and NW Walker Road, adding that staff had determined that it was
26 necessary to check with the City of Hillsboro to obtain information
27 with regard to their anticipated mitigations.

28
29 Observing that he understands these issues, Commissioner Voytilla
30 expressed his opinion that staff should have at least contacted DLCD
31 to inform them that they were working on a response.

32
33 Mr. Whyte pointed out that DLCD had been given very early
34 notification with regard to this request and they had not met the
35 deadline staff had provided.

36
37 Commissioner Voytilla advised Mr. Whyte that he understands this
38 issue as well.

39
40 **APPLICANT:**

41
42 **FRED GAST**, applicant, representing *Polygon Northwest*, expressed
43 his appreciation to the applicant team for their outstanding efforts on
44 this proposal, as well as the neighbors and City staff for working with

1 the applicant to resolve issues. Noting that the property is one of the
2 most challenging sites he has had to deal with in a long time, he point-
3 ed out that the wetlands are deceiving and bear more resemblance to a
4 farmer's ditch. He observed that the site currently has no sewer
5 system and pointed out that it is possible to view the adjacent
6 development and significant roads as either obstacles or opportunities,
7 explaining that the applicant has worked very closely with *Clean*
8 *Water Services* over a period of several months with regard to this
9 property. Noting that there are additional issues pertaining to
10 connectivity and density, he pointed out that it is necessary to provide
11 benefits that outweigh the costs. He discussed the importance of the
12 history of the site and emphasized the necessity of considering the
13 benefits and costs associated with the cut-through traffic.

14
15 **JACK ORCHARD** of *Ball Janik LLP*, representing the applicant,
16 advised Commissioner Johansen that he is unable to respond
17 adequately to his questions, adding that it is unfortunate that there
18 had been no questions relating to the history of the various failed
19 development proposals for this site. He pointed out that the major
20 obstacle to the development of this property concerns the swale that
21 cuts across the property, adding that this has involved years of
22 conversations with the various resource agencies necessary for the
23 development of this property.

24
25 Mr. Orchard explained that originally there had been a combination
26 fill mitigation permit issued that would have allowed for extensive
27 filling of the swale, adding that this had originally occurred in the late
28 1980's and that the permit had continued into the 1990's. Observing
29 that regulations had changed, particularly with the *Army Corps of*
30 *Engineers*, he noted that although the area that could have originally
31 been filled had been reduced in size to less than one acre, the original
32 fill permit was not renewed by the *Army Corps of Engineers*. He
33 explained that the resource agencies – the *Army Corps of Engineers*,
34 the *Division of State Lands*, and *Clean Water Services*, all had
35 determined that the swale is a wetland area that has grown in
36 significance with regard to its preservation, with the result that it is
37 not possible to fill any portion of this swale. He pointed out that the
38 *Army Corps of Engineers* had instructed him to provide a development
39 plan that justifies why any fill would be placed for any purpose within
40 that swales, adding that while the *Division of State Lands* had been
41 more tolerant, they are required to coordinate their regulatory
42 authority with the *Army Corps of Engineers*. He noted that while
43 *Clean Water Services* has a slightly different position, adding that Site
44 Development Engineer Jim Duggan's attempts to unite all three

1 agencies with regard to this issue had resulted in all three agencies
2 assuming the original position of the *Army Corps of Engineers*.

3
4 Mr. Orchard noted that he had again been instructed to provide a
5 specific development plan in order for them to determine whether a fill
6 would be possible, adding that what is found in the plan in terms of a
7 bicycle/pedestrian connection is as good as it gets. He apologized for
8 any potential conflict with the City of Beaverton's plans, adding that it
9 is unfortunate that the City had gone through a process in the
10 Transportation System Plan revisions to alter the design and continue
11 NW Cambrey Street to NW 185th Avenue. He emphasized that this is
12 one difficult facility to cross for any reason and place any fill material,
13 adding that this is because the *Army Corps of Engineers* said so. He
14 explained that the applicant had worked with the *Army Corps of*
15 *Engineers* to prepare a concept plan that built in all of the "have to's"
16 under the City's Development Plan, including requirements for
17 density, parking, and landscaping.

18
19 Mr. Orchard explained that he agrees with Commissioner Johansen's
20 comment that this involves a degraded wetland that serves very little
21 purpose as a resource. Observing that this creates issues with the
22 Transportation System Plan, he pointed out that both Commissioner
23 Maks and Commissioner Johansen are very sensitive with regard to
24 the issue of cut-through traffic and the accommodation of neighborhood
25 traffic flows. He explained that more is involved than just running a
26 street through there, noting that it is necessary to buffer the street and
27 create a streetscape that is consistent with the requirements of both
28 the City of Beaverton and *Clean Water Services* because it is necessary
29 to mitigate for this wetland. Observing that this property has become
30 what he referred to as a "poster child" for the resource agencies, he not-
31 ed that the more they review the property the more stringent the
32 requirements have become. He commented with regard to the differ-
33 ence between the transportation facilities in this area and other simi-
34 lar facilities, noting that this project would access NW 185th Avenue,
35 which is probably the most complex arterial street in the Beaverton
36 area, because this stretch of NW 185th Avenue and NW Walker Road
37 includes traffic flows that are interrupted by a series of signals and the
38 light rail. He explained that Washington County is concerned with
39 what had not been done in connection with Westside Light Rail, parti-
40 cularly at the intersection of NW 185th Avenue and NW Baseline Road.

41
42 Commissioner Maks noted that the history of that illustration has
43 been helpful with regard to this discussion, and questioned whether
44 the DLCD ever talks to the *Army Corps of Engineers*.

1 Mr. Orchard commented that since we are dealing with a delineated
2 wetland he finds it remarkable that there appears to be so little
3 connection between those considering the transportation issues and
4 those who have regulatory authority with regard to the resource issue.
5

6 Observing that he has served in this capacity for a long time, Commis-
7 sioner Maks pointed out that the letter from DLCD is one of the
8 strongest letters he has ever read, noting that knowing the history of
9 the site would have made the entire issue much easier from the begin-
10 ning. He requested clarification with regard to the type of require-
11 ments that would be imposed upon a development for the enhancement
12 of these wetlands associated with a development proposal.
13

14 Observing that the mitigation requirements are quite excessive, Mr.
15 Gast emphasized that in the nine years that *Polygon Northwest* has
16 been developing in the Portland Area he has noticed a graduated
17 increase in the level of both what is required and what is allowed.
18

19 Noting that the wetlands issue was not originally that significant,
20 Commissioner Johansen questioned whether any documentation in the
21 record supports the responses of the *Army Corps of Engineers*, DLCD,
22 and *Clean Water Services*.
23

24 Mr. Orchard explained that he had a conversation with the staff
25 regulator at the *Army Corps of Engineers*, pointing out that filling any
26 of this area for any purpose increases the developer's profit
27 significantly. He emphasized that while the *Army Corps of Engineers*
28 had advised him that it is necessary to justify any fill in that area, this
29 involved telephone conversations and he does not possess any actual
30 written documentation to this effect.
31

32 Commissioner Johansen requested clarification that both Mr. Orchard
33 and Mr. Gast are stating that there is no way to bridge or breach this
34 swale without creating the impact that the *Army Corps of Engineers*
35 has described.
36

37 Emphasizing that this is uncertain, Mr. Gast explained that it would
38 be necessary to submit a plan to the *Army Corps of Engineers* that
39 would indicate that any fill would be justified, adding that their
40 decision is totally discretionary, based upon their evaluation with
41 regard to the significance of the resource the degree of protection that
42 is deemed appropriate. He observed that this is one of the last
43 undeveloped parcels in that area, which has caused the resource value
44 to increase significantly over the past 15 years.

1 Commissioner Bliss noted that he is able to respond to Commissioner
2 Johansen's question with regard to validation.

3
4 Assistant City Attorney Ted Naemura encouraged Commissioner Bliss
5 to provide the information.

6
7 Observing that he had also discussed this property with the *Army*
8 *Corps of Engineers* in the past, Commissioner Bliss apologized to Mr.
9 Gast and the neighbors for having to go through this entire process.
10 He pointed out that the City of Beaverton had at one time approved
11 the termination of NW Cambray Road and the connection with NW
12 183rd Avenue, adding that this included filling the wetland, and
13 expressed his opinion that this entire issue could have been avoided.

14
15 Commissioner Johansen emphasized that he is concerned with the
16 existence of written documentation for the record.

17
18 Mr. Gast explained that many assumptions are created when a
19 developer moves forward with a project, noting that this builds a
20 framework for what a plan looks like and supports what is being said.

21
22 Commissioner Johansen questioned whether Mr. Gast is discussing
23 the same CPA that is being reviewed and pointed out that the
24 narrative for this CPA repeatedly characterizes this application as "the
25 proposed amendment to the Beaverton Transportation Plan to
26 designate a new neighborhood connector route between NW Cambray
27 Street and NW 185th Avenue via NW 180th Avenue".

28
29 Mr. Gast explained that this question would be addressed by the
30 consultants who had assisted in the preparation of this application.

31
32 **JIM LANGE** and **TOM McCONNELL**, both of whom represent *Alpha*
33 *Engineering* on behalf of *Polygon Northwest*, introduced themselves,
34 and Mr. McConnell explained that the CPA had been prepared at the
35 direction of staff in order to eliminate that extension of NW Cambray
36 Street to NW 185th Avenue.

37
38 Commissioner Johansen observed that while the original proposal had
39 involved removal of a neighborhood route from the Functional Classi-
40 fication Map, this has now been characterized as the designation of a
41 new neighborhood connector route that is actually already on the map.

42
43 Mr. McConnell advised Commissioner Johansen that the applicant had
44 not intended to indicate that this proposal involves a new route.

1 Commissioner Johansen referred to the statement that the applicant
2 has the unanimous support of the area residents, and requested a
3 definition of the term area residents.

4
5 Mr. McConnell described the area residents as those individuals who
6 have attended either the NAC Meetings or the Neighborhood Meetings
7 conducted by the applicant.

8
9 Emphasizing that not all area residents have the opportunity to attend
10 these meetings, Commissioner Johansen advised Mr. McConnell that
11 this would not be considered representative of the area residents.

12
13 Mr. McConnell clarified that the applicant had the unanimous support
14 of all those individuals who attended either the NAC Meetings or the
15 Neighborhood Meetings conducted by the applicant.

16
17 Commissioner Johansen reiterated that there is a difference between
18 area residents and those individuals who attended the meetings.

19
20 **MARK VanDEHEY** introduced himself and Beth Wemple, both of
21 whom represent *Kittelson & Associate* on behalf of *Polygon Northwest*.

22
23 Commissioner Johansen noted that the estimated cut-through rate for
24 northbound traffic on NW 185th Avenue is 20% and requested
25 clarification with regard to what this information is based upon.

26
27 Mr. VanDehey provided an illustration indicating that the area
28 provides a potentially desirable cut-through route.

29
30 Commissioner Johansen advised Mr. VanDehey that his specific
31 question is why the anticipated amount of cut-through traffic is 20%.

32
33 Mr. VanDehey noted that this is considered a reasonable estimate,
34 observing that it is not feasible to assume that 100% of the vehicles
35 would utilize this route, even if it is available.

36
37 Commissioner Maks pointed out that this is the first time he has seen
38 a percentage for cut-through traffic mentioned in a Traffic Analysis.

39
40 Mr. VanDehey clarified that this had been based upon volume and
41 several other factors.
42

1 Commissioner Maks commended Mr. VanDehey for preparing a great
2 Traffic Analysis, noting that the percentage on cut-through traffic
3 should include a time analysis.

4
5 At the request of Commissioner Johansen, **BETH WEMPLE**,
6 representing *Kittelson & Associates* on behalf of *Polygon Northwest*,
7 explained that all of the analysis conducted prior to July 1, 2003 was
8 based upon the Transportation System Plan that included the straight-
9 through east/west connection, emphasizing that it was at this time
10 that they had been requested to address the zigzag issue.

11
12 Mr. VanDehey pointed out that there are methods to reduce the cut-
13 through traffic.

14
15 Commissioner Johansen mentioned that the anticipated cut-through
16 traffic has been based upon a connection that is not proposed at this
17 time, adding that it is relevant to question whether the applicant has
18 considered existing cut-through traffic via NW Heritage/NW 180th
19 Avenue/NW Cambray Street route.

20
21 Mr. VanDehey advised Commissioner Johansen that while the
22 applicant had not completed an origin/destination study to determine
23 whether there is a great deal of cut-through traffic, the volumes
24 entering and leaving the neighborhood, specifically the NW Cambray
25 connection to NW Walker Road, and NW 185th Avenue and Heritage
26 indicates that there is not a great deal of cut-through demand with
27 what he described as a fairly circuitous route.

28
29 Commissioner Johansen pointed out that there is currently a Level of
30 Service "F" at the non-signalized intersection at NW Cambray and NW
31 Walker Road and requested clarification with regard to the impact
32 signalization would have upon this intersection.

33
34 Ms. Wemple informed Commissioner Johansen that while a signalized
35 intersection would improve the traffic situation, it is not likely that the
36 signal warrants to achieve this would be met.

37
38 Mr. VanDehey indicated that there is not sufficient volume at this
39 location to warrant a signal.

40
41 Commissioner Johansen requested clarification with regard to whether
42 this statement also applies to the year 2024.

43

1 Mr. VanDehey noted that based upon projections for the year 2024,
2 while there is a significant right-turn demand, the left-turn demand
3 would not be sufficient to justify a traffic signal at this location, and
4 pointed out that as conditions change, this situation could change in
5 the future.

6
7 Commissioner Johansen questioned whether there would be greater or
8 less traffic volume using NW Heritage Loop, NW 180th Avenue, and
9 NW Heritage Parkway, and specifically where the traffic that would be
10 utilizing this connection would be routed.

11
12 Mr. VanDehey observed that the traffic is already there at this time,
13 noting that there would be some redistribution of traffic, and that
14 there would certainly be less traffic, and pointed out that he agrees
15 with staff with regard to the way the site is laid out

16
17 Commissioner Johansen questioned whether the applicant had
18 measured the distance from generally the location of the southern
19 portion of the site to the intersection of NW Heritage Parkway and NW
20 185th Avenue, and specifically how far the out-of-direction travel is
21 from that location back to NW 185th Avenue.

22
23 Mr. VanDehey commented that this traffic might travel between 400
24 and 1000 feet out-of-direction.

25
26 Commissioner Maks noted that when this application was deemed
27 complete, the Transportation System Map showed the street
28 connection, emphasizing that there is no way that the Planning
29 Commission would discount these Traffic Studies based upon the
30 Comprehensive Plan Map at the time of completion.

31
32 Commissioner Johansen pointed out that while this involves the
33 appropriate analysis at the time, this does not involve a connection
34 that is currently on the Comprehensive plan.

35
36 Commissioner Maks emphasized that is necessary to make a decision
37 based upon the Development Code and the Comprehensive Plan in
38 effect at the time the application was deemed complete.

39
40 9:00 p.m. until 9:07 p.m. -- recess.

41
42 Chairman Barnard reminded the public that only testimony pertaining
43 to the Comprehensive Plan Amendment would be heard at this time.
44

1 **PUBLIC TESTIMONY:**

2
3 **RACHEL NETTLETON**, Chairman of the Five Oaks/Triple Creek
4 NAC, explained the various functions served by the NAC. She
5 described the interaction between the residents of the NAC and the
6 developer, emphasizing that this developer is an asset to the
7 community. She expressed her concern with issues such as livability,
8 connectivity, and health and safety, supporting both the residents and
9 the developer, and provided a letter of support that she had written on
10 behalf of the NAC, dated August 20, 2003.

11
12 Commissioner Maks expressed his appreciation to Ms. Nettleton for
13 performing what he referred to as a thankless job as a NAC Chairman.

14
15 **LEE URBAN** expressed his opposition to the proposed road and his
16 support of the proposed Comprehensive Plan Amendment.

17
18 **MARTIN SMALLEY** stated that he is totally opposed to the proposed
19 street connection and filling these wetlands, noting that while he is
20 happy with the neighborhood streets, the arterial streets are meant for
21 high-density traffic and that he supports the proposed Comprehensive
22 Plan Amendment.

23
24 **GARY RICHARD** explained that he is opposed to the proposed street,
25 adding that this would cause unnecessary traffic, emphasizing that
26 any perceived savings of time would be taken advantage of.

27
28 **SCOTT KONDRA** discussed the connectivity of the street, noting that
29 he does not understand how this would relieve pressure off of NW185th
30 Avenue or NW Walker Road. He emphasized that all this would
31 accomplish would be to allow individuals to skip the traffic light at the
32 intersection of these streets, adding that this would add a third
33 connection to the existing two connections to NW Cambray Street and
34 that the traffic is already out of control in this area.

35
36 **DOUGLAS SPONCELLER** explained that with the assistance of the
37 NAC, he had prepared a survey, one side of which contains a diagram
38 of the proposed development as outlined by the applicant, adding that
39 the back side of the survey is the conceptual idea described by staff.
40 He submitted copies of this survey in support of Plan "A" over Plan
41 "B", signed by 47 individuals, as follows:

42
43 Sharyl Akeverukes
44 Daniel Balleza

 Bruce Moolenaar
 Paul Morton

Margaret Braaksma	Alex Munoz
Diann Bruno	Tai Nguyen
Geraldine Carter	Carolyn Olson
Pete Catrona	Ronald A. Olson
Judy M. Davis	Connie A. O'Reilly
Patrick Devoy	LeeAnn Pack
Steve Dourf	Susan Perry
Kong English	Barbara Redman
Kathye J. Grisham	Kim Reinert
Linda M. Gruse	Gary Richard
Julie Hoggan	Tina Richard
Alexandra Jack	Patty Ross
Rick Jacobs	Mary Smalley
Husam Khair	Douglas Sponseller
Kevin Kious	Hermann Stevn
Sharon Kious	Tanaka
Kelly Kondra	Abigail C. Tillier
Scott Kondra	Fabian Tillier
David Kroo	Mark Tompkins
Donald W. Lulay	Pamela Trottier
Kathleen Macdonald	Heidi Weeders
Eric Macdonald	

Mr. Voytilla expressed his appreciation to Mr. Sponceller for his testimony and advised him that like the other individuals in the audience, members of the Planning Commission are only neighbors.

PAM TROTTIER pointed out that her major disagreement since she has lived in this development has always concerned connecting NW Cambray Street to NW 185th Avenue. Observing that she is opposed to connecting NW Cambray Street to either NW 185th Avenue or NW 183rd Avenue, except as a potential emergency access, she noted that she has not yet heard anyone address the safety problem associated with the existing and dangerous cut-through traffic. She expressed concern with students attempting to cross the intersection in order to get to school, emphasizing that connecting NW Cambray Street to NW 185th Avenue is not a good idea.

HAL REICHARDT stated that he is opposed to any connection between his neighborhood and NW 185th Avenue, and pointed out that the wetland has been mischaracterized as degraded, and suggested that anyone who doubts him stop by in January, emphasizing that at this time it is a virtual river and a viable wetland. He pointed out that many waterfowl inhabit this area, adding that this is a resource for our

1 community. Noting that he is also concerned with safety issues, he
2 noted that this area is dangerous at this time and that another road
3 would only increase this problem. He expressed his opinion that a
4 light and speed humps are necessary now, adding that no one makes a
5 left turn from NW Cambray Street onto NW Walker Road at this time
6 because it is both risky and impossible. He mentioned that it is not
7 even possible to make a right turn during rush hour, adding that this
8 is a serious problem. He expressed his objection to not being notified
9 with regard to this zigzag Comprehensive Plan Amendment until one
10 day prior to this hearing, even though he has been involved and an
11 active participant in the planning process for 14 years. Concluding, he
12 reiterated that the wetland can not be filled and it is not possible to
13 negotiate an extreme safety hazard,

14
15 Commissioner Johansen advised Mr. Reichardt that this hearing had
16 been continued from an earlier meeting and that presumably he had
17 received notification of this earlier date.

18
19 Mr. Reichardt stated that while he was aware of the hearing, he had
20 not been aware of the proposed zigzag Comprehensive Plan
21 Amendment, adding that this is news to the entire neighborhood.

22
23 Commissioner Johansen questioned whether Mr. Reichardt had
24 obtained a copy of the Staff Report, noting that he would have request-
25 ed a copy of this document pertaining to an issue that involved him.

26
27 Mr. Reichardt commented that he does not want any road going
28 through there or any natural resource filled.

29
30 **MARY SMALLEY** emphasized that unanimous is unanimous, noting
31 that the people in this neighborhood are unable to get out of driveways
32 at the present time because of those who are already utilizing their
33 street as a cut-through route. She pointed out that this developer has
34 included the neighbors from the beginning, noting that she is opposed
35 to this street connection and supports the developer's proposal.

36
37 **PAUL MORTON** stated that he wholeheartedly support the proposed
38 Comprehensive Plan Amendment, adding that because of his concern
39 with the safety of the children, he is opposed to the opening up of NW
40 183rd Avenue. He explained that the proposed walkway allows
41 residents to walk to the stores, noting that while it is easy to criticize
42 the City, this is the best option available.

43

1 **CONNIE O'REILLY** mentioned that while she has not been involved
2 in this process before, she is interested in the goals that are posted in
3 this room, particularly Goal 1, which is to preserve and enhance a
4 sense of community. She expressed concern with the safety of the
5 children, echoed what has been said in support of the proposal,
6 emphasizing that she opposes any potential street connection.

7
8 Chairman Barnard noted that **MIKE CROSSLEY** had indicated on
9 his testimony card that he is opposed to the application, adding that he
10 is no longer available to testify.

11
12 **DANIEL BALLEZA** stated that he supports the proposed
13 Comprehensive Plan Amendment, is opposed to any additional
14 connection, and agrees with the testimony of his neighbors.

15
16 **APPLICANT REBUTTAL:**

17
18 Mr. Gast indicated that he had no rebuttal to public testimony.

19
20 Mr. Whyte agreed with Commissioner Maks' statement that this appli-
21 cation is subject to the Comprehensive Plan in effect prior to June 6,
22 2003, pointing out that this actually involves the date the application
23 was submitted, rather than the date it was deemed complete.

24
25 Mr. Gustafson commented that staff had responded to the issue of cut-
26 through traffic in the letter to DLCD, observing that while they had
27 been concerned with adding traffic to the arterial system and that this
28 access would relieve some of this additional traffic. He pointed out
29 that the Staff Report had addressed the connectivity issue, with an
30 emphasis on cut-through traffic. He referred to the Center Street
31 Project, observing that this had involved another connectivity issue
32 almost identical to the wetlands issue, adding that the only difference
33 is that this had not involved a neighborhood route. He expressed his
34 opinion that this process needs to adequately address these issues, and
35 pointed out that at some future point it would become necessary to
36 make these connections, adding that staff attempts to consider each
37 unique situation on an individual basis.

38
39 Senior Planner John Osterberg discussed several previous
40 applications, specifically the Carolwood Connection, observing that
41 this involved the Spruce Woods Planned Unit Development submitted
42 by Four D Development. He explained that this involved a case where
43 the City required a city to go through over some objection by neighbors,
44 requiring a connection of SW 149th Avenue to Hart Road, and

1 connecting with SW Carolwood Drive, which required a moderate to
2 substantial amount of traffic calming on SW 149th Avenue. He
3 explained that during the review of the Hiteon Meadows Planned Unit
4 Development, the Commission had approved the application and it did
5 not have to extend or connect SW Cottontail Lane to SW Otter Street
6 across the wetlands because the Commission had felt that this could be
7 met at a different location. He mentioned that the Commission had
8 also approved a Comprehensive Plan Amendment to remove SW
9 Snowshoe Lane from the Comprehensive Plan because of the
10 subsequent development proposal for Stanton Meadows Subdivision.

11
12 Mr. Naemura indicated that he had no comments regarding this
13 application.

14
15 The public portion of the Public Hearing was closed.

16
17 Commissioner Maks assured Mr. Smalley that although he might not
18 always agree with the decisions of the Planning Commission, they
19 always care, reiterating that they are only neighbors, too. He
20 expressed his appreciation for the public participation, noting that
21 everyone cuts through neighborhoods and that the City of Beaverton is
22 badly in need of connectivity and street connection. He expressed his
23 support of the Comprehensive Plan Amendment and the proposed
24 removal of this classification of this street.

25
26 Commissioner Bliss discussed issues pertaining to filling of wetlands,
27 adding that he is in support of the Comprehensive Plan Amendment.

28
29 Commissioner Voytilla stated that although he is concerned with
30 transportation issues, he supports the proposed Comprehensive Plan
31 Amendment.

32
33 Commissioner Johansen expressed his opinion that it is interesting
34 that this proposal involves a wetlands issue, rather than a cut-through
35 traffic issue. He emphasized that no written documentation between
36 the applicant and the agencies involved is available, noting that an
37 informed decision requires this information, and discussed various
38 issues related to connectivity and cut-through traffic.

39
40 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a
41 motion to **SUSPEND** the 10:00 p.m. rule providing that other
42 applications not be addressed after 10:00 p.m.

43

1 Commissioner Johansen stated that he does not support this motion,
2 observing that the remaining four applications involve a great deal of
3 information that in his opinion could not be adequately addressed at
4 this late hour. He pointed out that the 120 day clock would not be in
5 effect until action has been taken with regard to this Comprehensive
6 Plan Amendment.

7
8 Commissioner Maks requested clarification with regard to the 120-day
9 clock.

10
11 Mr. Whyte clarified that the 120 day clock reference within the Staff
12 Report indicates that the clock does not start until the City has acted
13 upon the Comprehensive Plan Amendment application. Referring to a
14 letter from applicant's legal representative, Mr. Orchard, he noted that
15 the 120-day clock would be initiated upon adoption of the Ordinance at
16 the City Council level.

17
18 Commissioner Maks pointed out that it is the intent of the motion-
19 maker to receive the other applications, expressing his opinion that the
20 applicant would most likely be very brief.

21
22 Commissioner Voytilla expressed concern with addressing four applica-
23 tions at this late time, and referred to the wisdom of the late Planning
24 Commissioner Chuck Heckman who said that something happens after
25 11:00 p.m. and the best decisions are not made at this time.

26
27 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a
28 motion to **WITHDRAW** the motion with regard to the 10:00 p.m. rule.

29
30 Commissioner Maks **MOVED** that the 10:00 rule be suspended and
31 the meeting be continued until 10:30 p.m.

32
33 Commissioner Bliss clarified that he is here for the duration of all of
34 the applications, adding that the residents are here and he sees no
35 reason to stop at 10:30 p.m.

36
37 Motion **DIED** for lack of a second.

38
39 Mr. Naemura suggested obtaining a consensus with regard to
40 continuing the hearing.

41
42 Agreeing with Commissioner Voytilla's statement that the Commission
43 is not capable of their best work after 11:00 p.m., Commissioner Maks

1 expressed his opinion that the remaining four applications should be
2 heard at another time.

3

4 Observing that the materials have been reviewed, Commissioner Bliss
5 pointed out that there is a great deal of neighborhood support, adding
6 that there is no reason to proceed at this time.

7

8 Commissioner Winter and Chairman Barnard agreed that the
9 remaining four applications should be heard at another time.

10

11 Commissioner Maks **MOVED** and Commissioner Voytilla
12 **SECONDED** a motion that the 10:00 rule be suspended and the
13 meeting be continued until 10:30 p.m.

14

15 Motion **CARRIED**, unanimously.

16

17 Emphasizing the importance of decisions with regard to
18 Comprehensive Plan Amendments, Commissioner Johansen stated
19 that while he does not always agree with other governmental entities,
20 it is necessary to take notice when DLCD, *Clean Water Services* and
21 *Metro* are all united in their opposition to a proposal. He explained
22 that he has not seen compelling land use arguments for amending the
23 Comprehensive Plan for the removal of this particular connection.

24

25 Commissioner Johansen noted that this application is not consistent
26 with Statewide Planning Goal 12, adding that the proposal will
27 negatively impact the function capacity of performance standards of
28 other transportation facilities. He referred to Criteria 1.3.1.2, observ-
29 ing that because the removal of the proposed vehicular connection of
30 NW Cambray Street to NW 125th Avenue would result in a gap in full-
31 street connections well in excess of 530 feet, the proposed application is
32 inconsistent with the Metro Regional Transportation Plan.

33

34 Referring to the City's Transportation Policy 6.2.1.A, which states that
35 it is necessary to maintain the livability of Beaverton through proper
36 location and designed transportation facilities, Commissioner Johan-
37 sen pointed out that this proposal reduces the livability of resi-dents
38 along the transportation routes that would absorb the future trips that
39 the Transportation Plan assumes would use the NW Cam-bray Street
40 connection. He stated that in addition, the removal of the vehicle
41 connection of NW Cambray Street to NW 185th Avenue would result in
42 approximately a half mile gap in east/west street connections between
43 NW Heritage Parkway and NW Walker Road, and approximately five
44 times the 530 foot standard contained in the Regional Transportation

1 Plan, which is inconsistent with the policy that requires the proper
2 location of transportation facilities. Referring to Policy 6.2.2.B, which
3 provides for connectivity to each area of the City through convenient
4 multi-modal access, he pointed out that the removal of this connection
5 reduces the connectivity of this area of the City by forcing
6 neighborhood vehicular trips to take longer, more circuitous trips
7 through the neighborhood in order to access the arterial system.

8
9 Mr. Johansen referred to Goal 6.2.5 which states that transportation
10 facilities should be accessible to all members of the community and
11 reduce trip length, noting that Goal 6.2.5.B provides for the
12 development of neighborhood and local connections to provide
13 adequate circulation in and out of neighborhoods. He pointed out that
14 removal of this neighborhood and local connection would result in
15 inadequate circulation in and out of the neighborhood, emphasizing
16 that he does not support this application because he does not believe
17 that the criteria for approval of this application has been met.

18
19 Commissioner Winter stated that he supports the proposed
20 Comprehensive Plan Amendment.

21
22 Commissioner Barnard stated that while he has some concerns with
23 traffic issues in the neighborhood, he supports the application.

24
25 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a
26 motion to **APPROVE** CPA 2003-0004 – CSM Property
27 Comprehensive Plan Amendment, based upon the testimony, reports
28 and exhibits, and new evidence presented during the Public Hearings
29 on the matter, and upon the background facts, findings and
30 conclusions found in the Staff Report dated July 21, 2003, as amended.

31
32 Observing that Commissioner Johansen had been extremely articulate
33 and had given the issues a great deal of thought, Commissioner Maks
34 expressed his opinion that no one else he knows is better at rowing a
35 boat upstream.

36
37 Mr. Whyte inquired whether the motion had included a reference to
38 Staff Memoranda.

39
40 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a
41 motion to amend his motion to include Staff Memoranda, dated August
42 13, 2003, and August 20, 2003, and all additional evidentiary materials
43 submitted.

44

1 Motion, as amended, **CARRIED**, by the following vote:

2
3 **AYES:** Maks, Bliss, Voytilla, Winter, and Barnard.

4 **NAYS:** Johansen.

5 **ABSTAIN:** None.

6 **ABSENT:** Pogue.

7
8 **A. CU 2003-0007 – CONDITIONAL USE**

9 This Type 3 application for Conditional Use (CU) involves a
10 request for approval of a Planned Unit Development (PUD) for
11 153 multi-family apartment units, 13 single-family lots, and a
12 large tract of land intended for wetlands preservation. Portions
13 of the site area contain wetlands as identified by the City Local
14 Wet-land Inventory. The 153 multi-family units would be
15 located within the northwestern portion of the site and would be
16 accessed from NW 185th Avenue. The 13 single-family lots are
17 proposed within the southeastern portion of the site and would
18 be accessed from NW Cambray Street.

19
20 **B. DR 2003-0044 – DESIGN REVIEW**

21 This Type 3 application for Design Review (DR) involves a
22 request for approval of the building, parking, site circulation,
23 and landscape plans submitted for the multi-family portion of
24 the PUD site and the wetland area.

25
26 **C. LD 2003-0007 – LAND DIVISION**

27 This Type 2 Land Division (LD) application involves a request
28 for approval of a Preliminary Subdivision approval for the
29 creation of lots and tracts proposed in the development plan.

30
31 **E. SDM 2003-0006 – STREET DESIGN MODIFICATION**

32 This Type 2 application for Street Design Modification (SDM)
33 involves a request to reduce the right-of-way width standard
34 and increase pavement width standard for proposed streets.
35 Public street design standards are found in Section 60.55.30 of
36 the Development Code, and modifications to public street design
37 standards require approval of the application for SDM.

38
39 Commissioner Maks **MOVED** and Commissioner Bliss **SEONDED** a
40 motion to **CONTINUE** CU 2003-0007 – CSM Property Development
41 Plan Conditional Use, DR 2003-0044 – CSM Property Development
42 Plan Design Review, LD 2003-0007 – CSM Property Development Plan
43 Land Division, and SDM 2003-0006 – CSM Property Development
44 Plan Street Design Modification, until a date certain of September 3,
45 2003.

1 Motion **CARRIED**, unanimously.

2

3 **APPROVAL OF MINUTES:**

4

5 Minutes of the meeting of July 30, 2003, submitted. Commissioner
6 Johansen requested that lines 37 through 38 of page 3 be amended, as
7 follows: "...with the applicant, ~~and discussed~~ **as well as** his concern
8 with the location of Neighborhood Meetings. **However, since the**
9 **applicant is not present, this is not possible.**" Commissioner
10 Johansen requested that lines 29 and 30 of page 4 be amended, as
11 follows: "Emphasizing that the burden of proof is on the applicant and
12 that **no justification is provided in writing or in testimony by**
13 **the applicant, ...**" Commissioner Johansen requested that line 33 of
14 page 4 be amended, as follows: "...making decision based upon
15 ~~inappropriate~~ **lack of** information." Commissioner Maks **MOVED** and
16 Commissioner Winter **SECONDED** a motion that the minutes be
17 approved, as amended.

18

19 Motion **CARRIED**, unanimously, with the exception of Commissioner
20 Voytilla, who abstained from voting on this issue.

21

22 Minutes of the meeting of August 6, 2003, submitted. Commissioner
23 Winter **MOVED** and Commissioner Bliss **SECONDED** a motion that
24 the minutes be approved as written.

25

26 Motion **CARRIED**, unanimously, with the exception of Chairman
27 Barnard and Commissioner Johansen, who abstained from voting on
28 this issue.

29

30 **MISCELLANEOUS BUSINESS:**

31

32 The meeting adjourned at 10:22 p.m.